

# Florida Deepwater Horizon Response and Recovery Workgroup #4: Develop Strategies for Public Sector Recovery of Damages

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**Task:** Explore the following three areas:

- *Potential Litigation*
  - Work with the Attorney General to develop strategies for recovery.
  - Identify any pre-suit actions required under federal and state law.
  - Ensure Attorney General has authority to prosecute governmental claims.
  - Identify potential negative effects of state pursuing local government claims under federal law.
  - Identify data and information collection and preservation issues needed for potential litigation.
  - Explore mediation and arbitration possibilities.
  - Determine if revisions to state law are needed for recovery in the event federal law does not provide satisfactory recovery.
- *Natural Resource Damages*
  - Evaluate Florida law to determine whether revisions are necessary to ensure restoration of natural resources and recover costs from responsible parties.
  - Determine whether legislative action could assist in properly assessing and quantifying natural resource damages.
- *State and Local Government Data Collection*
  - Evaluate whether current data collection efforts are sufficient to ensure full compensation to state and local governments and recommend improvements, if any.

## **Work Plan for Weeks 1 – 5**

### **I. Week 5 (August 23-27)**

- a. Finalize Workgroup's Report.

*Summary of Week 5 Activities:*  
Finalized Workgroup's Report.

### **II. Week 4 (August 16-20)**

- a. Develop responses to issues Workgroup has been tasked with evaluating.
- b. Begin preparation of Workgroup's report.

***Summary of Week 4 Activities:***

The Workgroup held a meeting/conference call on August 20th, and received information regarding claims activity and processes from representatives of the Department of Environmental Protection, the Division of Emergency Management, the Department of Revenue, the Attorney General's Office, the Florida Association of Counties, the Florida League of Cities, the Florida School Superintendents' Association, the Florida School Boards' Association, the Florida Association of Special Districts, and BP. Also, staff continued to receive and evaluate responses to the questionnaires sent to state agencies and local governments. A copy of a presentation given by the Department of Environmental Protection and the Division of Emergency Management at the August 20<sup>th</sup> meeting and the questionnaires may be found on the [workgroup's resource page](#).

By now, it has become clear that most governments have been concentrating on response and removal activities, and are just now beginning to pay full attention to other types of damage claims. Similar to the private claims issues that are being discussed in the press, there are a number of unanswered questions regarding how government claims will be addressed by BP. For example, questions exist regarding what methodology to use to determine lost revenues, how to determine losses due to declines in property values, and how to determine the duration of the negative effects caused by the oil spill.

**III. Week 3 (August 9-13)**

- a. Continue to receive and evaluate information from affected parties.
- b. Identify steps and activities that must take place in order for governments to receive full compensation for the different types of damages recognized in federal and state law.
- c. Evaluate sufficiency of data collection efforts to ensure full compensation.

***Summary of Week 3 Activities:***

The Workgroup held a conference call on August 9<sup>th</sup>, wherein Representative Hudson and staff updated members on activities to date and members and other participants were asked for input. Representative Hudson announced that the next meeting/conference call would be on the morning of August 20<sup>th</sup> to receive information from affected governments. During the week, staff sent out a questionnaire to counties, cities, school boards and special districts requesting information regarding claims activity, and continued to research the law applicable to government claims. A copy of the questionnaire may be found on the [workgroup's resource page](#).

**IV. Week 2 (August 2-6)**

- a. Seek out, receive and evaluate information and suggestions regarding the Work Group's task from affected parties, including the following:
  - Attorney General's Office
  - Florida Association of Counties

- Florida League of Cities
  - Individual counties and cities
  - Florida School Boards Association
  - Special Districts
  - Indian Tribes
  - State Agencies
  - BP
- b. Identify issues that may affect the ability of governments to receive full compensation.
  - c. Continue to identify state and local governments' data collection efforts.

***Summary of Week 2 Activities:***

The Workgroup continued its research of federal and state law applicable to oil discharges and prepared a side-by-side comparing the two laws. A questionnaire was prepared and distributed to state agencies, universities, community colleges and water management districts regarding their data collection efforts. The Workgroup continued to seek out information from affected parties. A copy of the questionnaire and the Side-by-Side may be found on the [workgroup's resource page](#).

**V. Week 1 (July 26-30)**

- a. Develop an understanding of federal and state law applicable to compensation claims by governments.
- b. Identify current state and local governments' data collection efforts.

***Summary of Week 1 Activities:***

The Workgroup's staff prepared summaries of federal and state law applicable to governmental claims. The staff also reviewed existing state data collection efforts. A copy of the documents may be found on the [workgroup's resource page](#).